

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
NOVEMBER 16, 2011

**1. CALL TO ORDER**

The City of Apple Valley Planning Commission meeting was called to order by Chair Melander at 7:00 p.m.

Members Present: Tom Melander, Tim Burke, Paul Scanlan, and David Schindler.

Members Absent: Ken Alwin, Keith Diekmann, and Brian Wasserman.

Staff Present: Community Development Director Bruce Nordquist, Associate City Planner Kathy Bodmer, Associate City Planner Margaret Dykes, City Attorney Sharon Hills, Assistant City Engineer David Bennett, Golf Manager Jim Zinck, Department Assistant Dorene Perkins Monn and Department Assistant Joan Murphy.

**2. APPROVAL OF AGENDA**

Chair Melander asked if there were any changes to the agenda. Hearing none he called for a motion.

MOTION: Commissioner Schindler moved, seconded by Commissioner Scanlan, approving the agenda for tonight's meeting as written. Ayes - 3 - Nays - 0 - Abstain - 1 (Melander)

**3. APPROVAL OF MINUTES OF OCTOBER 19, 2011**

Chair Melander asked if there were any changes to the minutes. Hearing none he called for a motion.

MOTION: Commissioner Burke moved, seconded by Commissioner Scanlan, approving the minutes of the meeting of October 19, 2011, as written. Ayes - 3 - Nays - 0 - Abstain - 1 (Melander).

**4. CONSENT ITEMS**

--NONE--

**5. PUBLIC HEARINGS**

--NONE--

**6. LAND USE/ACTION ITEMS**

- A. Christianson Setback Variance** - Request for a variance to the 75-foot shoreland setback from the ordinary high water mark (OHWM) of Farquar Lake for the purpose of constructing a home addition. (PC11-35-VF)

Associate Planner Kathy Bodmer stated this is a request by College City Design Build, Inc., on behalf of the property owners Jeff and Mary Christianson, for a variance to the shoreland setback requirement of 75' from the ordinary high water level (OHWL) of Farquar Lake (899.2' elevation) to construct an 11' x 19' kitchen/dining addition and 13' x 13' deck 45.8' from the OHWL. The proposed additions are, at a minimum, 2.8' from the previously approved 43' setback from the OHWL. The property is located at 13208 Pilot Knob Road.

The Christianson property abuts Farquar Lake and is located within the "SH" (Shoreland Overlay) district. The shoreland overlay designation is intended for areas located near protected waters where additional or more stringent regulations are necessary to provide adequate environmental protection. In 1989, the City approved a variance to the shoreland overlay setback of 75' to allow the home to be built 43' from the OHWL. The lot is also adjacent to a minor arterial (Pilot Knob Rd.), which has a 50 ft. setback.

Due to the setbacks and narrow dimensions between the street and OHWL, construction of a home would not have been possible without a variance. When reviewing this request in 1989, the DNR stated it was not opposed to the variance so long as any decks(s) be subject to the same 43' shoreland setback as the house foundation. These circumstances were the basis for the original approval of the variance in 1989.

The City has notified the DNR with regard to the current request of an addition but has not received a reply at the time of this report. The same "practical difficulties" exist as when the original variance was granted in 1989. The addition would allow the homeowners to be able to improve their home, while still abiding to the original 43' setback. Also, the addition of impervious surface is not of concern as the total amount would remain well below the maximum of 30%.

In addition to the variance request, the property is also being final platted. The Dakota County Plat Commission has approved the preliminary and final plat and will recommend approval to the County Board of Commissioners upon submittal of the signed plat in mylar form. Final plats do not require Planning Commission review and recommended action.

Ms. Bodmer defined practical difficulties, as used in connection with the granting of a variance and stated staff reviews variance applications based strictly upon the requirements of the State Statutes and the City Code that require practical difficulties be present in order for a variance to be granted. Staff therefore recommends that the variance for the Christianson Addition be approved based on the following:

1. No alternative for a building addition is possible without a variance given the encumbrances of the setbacks.
2. When the lot was first created in 1958, it was considered buildable prior to the implementation of the shoreland zoning regulations in 1983.
3. The City's 2030 Comprehensive Plan is supportive of reinvestment in existing housing stock to encourage and foster vitality in existing neighborhoods.

4. Impacts to the lake would be negligible given that the addition is respectful of the previous 43' setback and impervious surface is well below the maximum 30% allowed.

Staff is recommending approval of a variance to the shoreland setback requirement of 75' from the ordinary high water level (OHWL) of Farquar Lake (899.2' elevation) for the purpose of constructing an 11' x 19' kitchen/dining addition and 13' x 13' deck 45.8' from the OHWL. Chair Melander asked for questions or comments.

Commissioner Scanlan questioned if there was any floodplain concern on the Christianson property.

Ms. Bodmer stated the floodplain concerns in the City were for Keller Lake and Alimagnet Lake and the Christianson property is located on Farquar Lake.

Commissioner Scanlan inquired what will happen if the DNR comes back and says no to the project.

City Attorney Sharon Hills stated the City is required to submit a variance request regarding a shoreland issue to the DNR for comment only and not for approval.

**MOTION:** Commissioner Schindler moved, seconded by Commissioner Scanlan, to recommend approval of a variance to the shoreland setback requirement of 75' from the ordinary high water level (OHWL) of Farquar Lake (899.2' elevation) for the purpose of constructing an 11' x 19' kitchen/dining addition and 13' x 13' deck 45.8' from the OHWL. Ayes - 4 - Nays – 0.

**B. Valleywood Clubhouse** – Consideration of building permit authorization to allow for construction of a new clubhouse at the City's municipal golf course. **(PC11-33-B)**

Associate Planner Margaret Dykes stated the request is for building permit authorization for the Valleywood Clubhouse building.

Phase 2 is the construction of the Valleywood Clubhouse building above-grade, which will begin construction in Spring 2012. The site plan shows the eventual demolition of the existing approximately 3,700 sq. ft. clubhouse and the construction of an approximately 16,400 sq. ft. clubhouse on two levels. The building footprint is approximately 8,200 sq. ft. No other additional buildings are proposed to be constructed. The main level will accommodate food service with seating, a commercial kitchen, a new pro shop, and offices. The lower level will be used for storing electric golf carts, as well as other general storage. The trash enclosure is located approximately 110 feet southeast of the building. A large patio consisting of colored concrete pavement is located on the northeast corner of the building facing the 18 green. No new parking is required as there are sufficient parking spaces (176 spaces) to accommodate the new building. The building complies with all zoning regulations regarding setbacks, building coverage, and maximum impervious surface coverage.

The grading plan has been reviewed by the City Engineer; there are no outstanding issues. Most of the site drainage will be surface flow to existing ponds on the golf course. Storm sewer and water are already on the property, but a new sanitary sewer line will be brought to the site. The City is

designing and installing the utilities; they will comply with City standards. The existing holding tanks will stay in place until the building is complete and the existing clubhouse is demolished.

A tree inventory has been completed and shows that 480 caliper inches will be removed for the clubhouse. The landscape plan shows the installation of 115 caliper inches of deciduous trees and an additional 41 individual ornamental trees. The landscape plan complies with City ordinance regarding tree replacement and mix of plant materials but the Natural Resources Coordinator had concerns and asked for modifications to the diversity of tree species and spacing of the trees. Foundation plantings will consist of a mix of perennials and deciduous shrubs suitable for this climate.

The exterior building materials consist of cedar siding and manufactured stone veneer with cement fiberboard siding used for accent on the north side of the building; these materials comply with City Code. The cedar siding will be stained dark brown and the stone veneer is cream colored. Staff has no issues with the proposed elevations or building materials.

Wayne Hilbert, CNH Architects, gave a walkthrough presentation of the interior and exterior of the clubhouse. He stated they are using several shapes on the building and they are emphasizing those shapes with the materials to be used. The front entryway is stone. There will be horizontal and vertical siding used on the building. Service entry on the lower level will be shielded by retaining walls.

Commissioner Scanlan inquired what the screening materials would be made of that are to be used in both the upper and lower levels.

Mr. Hilbert stated the fences would be made of cedar and there would be landscape structures to hold the berm back going up to the main parking lot.

Commissioner Burke questioned if the deck was only accessible through the eating area.

Mr. Hilbert stated the deck is accessible from the outside on the north side of the building. The patio wraps around the east side of the building and connects to the deck area by way of a path.

Chair Melander feels the building is oriented in such a way that the dining room has a beautiful view of the 18th green and stated the project looks very impressive. He asked if the building would be available for other events.

Jim Zinck, Apple Valley Golf Manager, stated the City would be looking at any opportunity for the public to use the clubhouse and feels one of the big advantages is to get the people that do not play golf to come out and enjoy the facility. He said the seating capacity is 150 people and the City should be able to handle a full size golf tournament.

**MOTION:** Commissioner Burke moved, seconded by Commissioner Scanlan, to recommend approval of building permit authorization for Phase 2 of Valleywood Clubhouse as shown on the plans received in City offices on November 4, 2011, subject to all applicable City Codes and standards, and the modification of the landscaping plan to

increase diversity of tree species and spacing between trees to the satisfaction of the Natural Resources Coordinator. Ayes - 4 - Nays – 0.

**7. OTHER BUSINESS**

**A. Review of the Upcoming Schedule and other Updates.**

Community Development Director Bruce Nordquist stated that the next Planning Commission meeting will take place Wednesday, December 7, 2011 at 7:00 p.m.

**8. ADJOURNMENT**

Hearing no further comments from the Planning Staff or Planning Commission, Chair Melander asked for a motion to adjourn.

MOTION: Commissioner Burke moved, seconded by Commissioner Scanlan, to adjourn the meeting at 7:34 p.m. Ayes - 4 - Nays - 0.

Respectfully Submitted,

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Joan Murphy, Planning Department Assistant

Approved by the Apple Valley Planning Commission on \_\_\_\_\_.